

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1537 OF 2004
IN
INCOME TAX APPEAL (LOD) NO.650 OF 2004

Commissioner of Income Tax ..Appellant.

V/s.

Eversmile Const. Co. P. Ltd. ..Respondent.

Mr.Ashok Kotangale i/b. Pankaj Kapoor for appellant.

Mr.S.P.Mehta for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 24TH JULY, 2007.

P.C. :-

. The delay is 450 days. In the affidavit in support which is filed, it is seen that the file was sent to the counsel for drafting the appeal on 17/2/2003. The appeal was filed on 31/5/2004. The last date of filing the appeal was 8/3/2003. There is no explanation for the delay between 17/3/2003 and 30th May, 2004. Considering the cause shown, it would not amount to sufficient cause. Hence Motion dismissed.

(F.I.REBELLO, J.)

(J.P.DEVADHAR, J.)